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NOV 1 3 2006

Attorney Docket No. BR029-US-02

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Schneider et al.

Examiner: Ebrahim, N.

Serial No.: 10/630,375

1618 Art Unit:

Filing Date: July 29, 2003

For: RECONSTITUTABLE FORMULATION AND AQUEOUS SUSPENSION OF GAS-FILLED

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Certificate of Mailing and/or Transmission Under 37 C.F.R. § 1.8(a)(1)(i)(B)(ii)

I hereby certify that the following correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO (571) 273-8300 on the date indicated below:

Certificate of Transmission transmittal: 1pg;

Response to 10/13/06 Office action: 13pg;

Fee Transmittal: 1pg; and

Patent application Fee Determination Record: 198

Date: November 13, 2006

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

### <u>AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT</u>

Sir:

This Amendment and Response are submitted in response to the Office Action mailed

October 13, 2006. A response to the October 13, 2006 Office Action is due November 13, 2006.

Thus, this Amendment and Response are timely filed.

Amendments begin on page 2 of this paper

Remarks begin on page 11 of this paper.

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#### Attorney Docket No. BR029-US-02

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Schneider et al.

Examiner: Ebrahim, N.

1618

**CENTRAL FAX CENTER** 

Serial No.: 10/630,375

Art Unit:

NOV 1 3 2006

11:04

Filing Date: July 29, 2003

For: RECONSTITUTABLE FORMULATION AND AQUEOUS SUSPENSION OF GAS-FILLED

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- Certificate of Transmission transmittal: 1pg;
- 2. Response to 10/13/06 Office action: 13pg;
- 3. Fee Transmittal: 1pg; and
- 4. Patent application Fee Determination Record: 1pg

Date: November 13, 2006

Signature:

Pamela Gewirtz

Pamle Ge

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Response to Restriction Requirement
- Fee Transmittal

This submission is in response to the Office Action mailed October 13, 2006. The shortened statutory period for response expires on November 13, 2006. As this response is being submitted via facsimile on November 13, 2006, this *Response* is considered to be timely filed.

Respectfully submitted,

Dated: November 13, 2006

M. Caragh Noone, Reg. No. 37,197
BRACCO RESEARCH USA Inc.

305 College Road East Princeton, NJ 08540 (609) 514-2454 (phone) (609) 514-4600 (fax) 11:04

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FILE TRANSMITTAL For FY 2006    Applicant claims small entity status. See 37 CFR 1.27   Art Unit   1618   Schne.ider	Effective on 12/08/2004.	Complete If Known				
Applicant claims small entity status   See 37 CFR 1.27     Applicant claims small entity status   See 37 CFR 1.27     TOTAL AMOUNT OF PAYMENT (\$) 3 00 .00   Attorney Docket No.   BR029 US-02	Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R., 4818).	Application Number				
Applicant claims small entity status. See 37 CFR 1.27   Examiner Name   Ebrahim, N.	FEE TRANSMITTAL	Filing Date	July 29, 2003			
Applicant claims small entity status. See 37 CFR 1.27   Art Unit   1618	For FY 2006	First Named Inventor				
METHOD OF PAYMENT (check all that apply)	D 4 07 050 4 07	Examiner Name	Ebrahim, N.			
Check	Applicant claims small entity status. See 37 CFR 1.27	Art Unit				
Check Credit Card Money Order None Other (please identify):  Deposit Account Deposit Account Number: 50-2168 Deposit Account Name: Bracco Research USA Inc.  For the above-tderified deposit account, the Director is hereby authorized to: (chack all that apphy)    Charge fee(s) indicated below   Charge fee(s) indicated below, except for the filing fee   Charge fee(s)   Example feet feet   Charge fee(s)   Example feet feet   Charge feet feet	TOTAL AMOUNT OF PAYMENT (\$) 300.00	Attorney Docket No.	BR029 US-02			
Deposit Account   Deposit Account Number   50-2168   Deposit Account Name   Bracco   Research   USA   Inc.	METHOD OF PAYMENT (check all that apply)					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apphy)    X   Charge fee(s) indicated below   Charge fee(s) indicated below, except for the filling fee   X   Charge fee(s) indicated below, except fee(s) indicated below except fee(s) indicated below except fee(s) indicated below. Example fee(s) indicated below except fee(s) indicated below except fee(s) indicated below except fee indicated below except	Check Credit Card Money Order None Other (please identify):					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apphy)    X   Charge fee(s) indicated below   Charge fee(s) indicated below, except for the filling fee   X   Charge fee(s) indicated below, except fee(s) indicated below except fee(s) indicated below except fee(s) indicated below. Example fee(s) indicated below except fee(s) indicated below except fee(s) indicated below except fee indicated below except	X Deposit Account Deposit Account Number: 50-2168	Deposit Account Na	Bracco Research USA Inc			
Charge any additional fee(s) or underpayments of fee(s)   X   Credit any overpayments   X   Unider 37 CFR 1.16 and 1.17   WARNING: Information and suthorization on PTO-2038.    FEE CALCULATION	For the above-identified deposit account, the Director is he	reby authorized to: (check	all that appty)			
Charge any additional fee(s) or underpeyments of fee(s)	X Charge fee(s) indicated below	Charge fee(s)	indicated below, except for the filing fee			
WARNING: Information and suthorization on PTO-2038.   FEE CALCULATION	Charge any additional fee(s) or underpayments of fi	ee(s) X Credit any ov	erpayments			
The content and authorization on PTO-2038.   FEE CALCULATION			cluded on this form. Provide credit card			
BASIC FILING, SEARCH, AND EXAMINATION FEES   SEARCH FEES   Small Entity   Fee (\$)   Fee (\$)	information and authorization on PTO-2038.					
Second   End   E						
Application Type	1. BASIC FILING, SEARCH, AND EXAMINATION FEES	RCH FFFS EXA	MINATION FEES			
Utility   300   150   500   250   200   100   N/A	Small Entity	Small Entity	Small Entity			
Design   200   100   100   50   130   65		<del></del>	<u> </u>			
Plant 200 100 300 150 160 80  Reissue 300 150 500 250 600 300  Provisional 200 100 0 0 0 0 N/A  2. EXCESS CLAIM FEES  Fee Description  Each claim over 20 (including Reissues)  Each independent claims over 3 (including Reissues)  Multiple dependent claims  Total Claims  Total Claims  Total Claims  Total Claims  Total Claims  Extra Claims  Fee (\$)  N/A   4. OTHER FEE(\$)  Non-English Specification, \$130 fee (no small entity discount)	Junity 200 A20	230				
Reissue 300 150 500 250 600 300  Provisional 200 100 0 0 0 0 N/A  2. EXCESS CLAIM FEES  Fee Description  Bach claim over 20 (including Reissues)  Each independent claims over 3 (including Reissues)  Multiple dependent claims  Total Claims	200.50		**			
Provisional 200 100 0 0 0 0 N/A  2. EXCESS CLAIM FEES  Fee Description  Each claim over 20 (including Reissues)  Each independent claims over 3 (including Reissues)  Multiple dependent claims  Total Claims  Total Claims  Extra Claims  Fee (\$)  Fee (\$)  Fee Paid (\$)  HP = highest number of total claims paid for, if greater than 2.  Indep. Claims  Extra Claims  Extra Claims  Fee (\$)  Fee (\$)  Fee Paid (\$)  Nultiple Dependent Claims  Multiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Nultiple Dependent Claims  Fee (\$)  Fee Paid (\$)  Application size fee (a)  Indep. Claims  Extra Claims  Fee (\$)  Fee Paid (\$)  Application size fee (a)  Indep. Claims  Extra Claims  Fee (\$)  Fee Paid (\$)  Fee Paid (\$)  Total Size FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$2.50 (\$1.25 for small entity) for each additional 50 sheets of fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Fee Paid (\$)  Number of each additional 50 or fraction thereof  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee (\$)  Fee Paid (\$)  N/A   4. OTHER FEE(\$)  Non-English Specification, \$130 fee (no small entity discount)	A Addition of the Addition of	***				
2. EXCESS CLAIM FEES  Fee Description  Each claim over 20 (including Reissues)  Each independent claim over 3 (including Reissues)  Each independent claims  Total Claims  Total Claims  Extra Claims  Fee (\$)  Multiple Dependent Claims  Total Claims  170 - 20 or HP = 6 x 50 = 300.00  HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  Extra Claims  Fee (\$)  Fee Paid (\$)  Fee Paid (\$)  APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets of fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  Fee (\$)  Fee (\$)  Fee Paid (\$)  Fee Paid (\$)  N/A  Fee Paid (\$)  N/A	10.554	250				
Fee Description  Each claim over 20 (including Reissues)  Each independent claims over 3 (including Reissues)  Multiple dependent claims  Total Claims  Total Claims  170 - 20 or HP = 6 x 50 = 300.00  HP = highest number of total claims paid for, if greater than 20  Indep. Claims  2 - 3 or HP = 0 x 200 = 0.00  HP = highest number of independent claims paid for, if greater than 3.  3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets of fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  - 100 = /50 = (round up to a whole number) x Fee (\$)  Fees Paid (\$)  N/A  Fees Paid (\$)  N/A	1 to visional 200 x00	V				
Each independent claim over 3 (including Reissues)  Multiple dependent claims  Total Claims  Extra Claims  Extra Claims  Fee (\$) Fee Paid (\$)  HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  Extra Claims  Fee (\$) Fee Paid (\$)  APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof.  Fee (\$)  Fee Paid (\$)  Number of each additional 50 or fraction thereof.  Fee (\$)  Fee Paid (\$)  N/A  Fees Paid (\$)  N/A	Fee Description					
Multiple dependent claims  Total Claims  Extra Claims  Fee (\$) = Fee Paid (\$)  Multiple Dependent Claims  Fee (\$) = 300.00  HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof.  AOTHER FEE(\$)  Non-English Specification, \$130 fee (no small entity discount)  180  Multiple Dependent Claims  Multiple Dependent Claims  Fee (\$) Fee Paid (\$)  D. 00  Pee (\$) Fee (\$) Fee Paid (\$)  Fee (\$) Fee Paid (\$)  Computer (and up to a whole number) Fee (\$)  Fee Paid (\$)  N/A  Fees Paid (\$)  N/A	Each claim over 20 (including Reissues)					
Total Claims    Total Claims	Each independent claim over 3 (including keissues)					
HP = highest number of total claims paid for, if greater than 20.  Indep. Claims  Sector Claims	Total Claims Extra Claims Fee (\$)					
Indep. Claims  3 - 3 or NP = 0 x 200 = 0.00  HP = highest number of independent claims paid for, if greater than 3.  3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  - 100 = (round up to a whole number) x = Fee Paid (\$)  N/A  Fees Paid (\$)  N/A  Fees Paid (\$)  N/A		300.00				
3 or NP = 0 x 200 = 0.00	Indep. Claims Extra Claims Fee (\$) Fee Pald (\$)					
3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof. Therefore it is a possible of the paper (cound up to a whole number) is a possible of the paper (s).  4. OTHER FEE(S)  Non-English Specification, \$130 fee (no small entity discount)  N/A	$\frac{3}{3}$ $\frac{3}$					
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence of computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).    Total Sheets   Extra Sheets   Number of each additional 50 or fraction thereof   Fee (\$)   N/A						
sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets Extra Sheets Number of each additional 50 or fraction thereof   Fee (\$)   N/A    4. OTHER FEE(S)  Non-English Specification, \$130 fee (no small entity discount)  See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Fee Paid (\$)  N/A  Fees Paid (\$)  N/A	To the enecification and drawings exceed 100 sheets of namer (exchiging electronically like sequence of computer					
Total Sheets   Extra Sheets   Number of each additional 35 of fraction divisor   Number of each additional 35 of fraction divisor   Number of each additional 35 of fraction divisor   N/A    4. OTHER FEE(S)   Fees Paid (S)   N/A    N/A	-1 - 44 or Graphian through Eq. 25 TI S C $A1(2)(1)(G)$ and 37 CFR 1 10(5).					
4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount)    Non-English Specification	Total Sheets Extra Sheets Number of each adultion as by or restriction delegation of the N/A					
Other (e.g., late filing surcharge):						

SUBMITTED BY	1		
	Mared Mry	Registration No. (Attorney/Agent) 37,197	Telephone 609-514-2454
Name (Print/Type)			Date 11/13/2006
Manus (Fillin TAbe)	M. Caragii Moone		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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